

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**IN RE:**

**FTX CRYPTOCURRENCY EXCHANGE  
COLLAPSE LITIGATION**

MDL No. 3076

23-md-03076-KMM

THIS DOCUMENT RELATES TO:

Law Firms

**DEFENDANT FENWICK & WEST LLP'S UNOPPOSED MOTION TO CONFIRM  
PAGE LIMIT FOR MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR LEAVE  
TO EXCEED PAGE LIMIT**

Defendant Fenwick & West LLP ("Fenwick"), pursuant to Local Rule 7.1(c)(2), respectfully seeks to confirm that it may file a maximum of forty (40) pages for its motion to dismiss Plaintiffs' Administrative Class Action Complaint and Demand for Jury Trial: Law Firms, (ECF 153), ("Law Firms Complaint"). In the alternative, Fenwick requests that this Court permit Fenwick to exceed the page limit by filing a maximum of forty (40) pages for its motion to dismiss and memorandum of law.

1. On June 21, 2023, this Court entered an Initial Scheduling and Case Management Order, (ECF 61), which required Plaintiffs to file consolidated amended complaints within 45 days of entry of that order and allowed Defendants 45 days from the filing of the amended complaints to respond.

2. On August 7, 2023, Plaintiffs filed the Law Firms Complaint. ECF 153.

3. On August 25, 2023, the Court issued an Order stating, in relevant part, that “in response to each Amended Complaint that they are named as a party in (1) Defendants are permitted to file jointly one 12(b)(6) motion and memorandum of law of up to 40 pages.” ECF 216.

4. Fenwick interprets the Court’s August 25, 2023 Order as applying to *all* cases that have been consolidated in this MDL, whether a case involves a single defendant or multiple defendants. However, out of an abundance of caution, Fenwick seeks confirmation that, as the only named Defendant in the Law Firms Complaint, it too may file a forty (40) page motion to dismiss.

5. In the alternative, Fenwick seeks leave to file a motion to dismiss and memorandum of law of up to forty (40) pages. The Law Firms Complaint contains more than 300 paragraphs of allegations across more than 100 pages and purports to “incorporate by reference” seven other complaints asserting claims against seven other sets of defendants. ECF 153 at 6, n.2.

6. Accordingly, Fenwick seeks additional pages to ensure that it can fully and adequately address the allegations. *See Romeo v. Israel*, No. 13-61411-CIV, 2017 WL 11583982, at \*2 (S.D. Fla. June 23, 2017) (granting defendant’s motion for leave to file to file an additional seven (7) pages to his consolidated motion for summary judgment).

7. No party will be prejudiced by this request. Plaintiffs do not oppose the relief sought by Fenwick in this motion.

**WHEREFORE**, Fenwick respectfully requests that the Court grant this Motion, confirm that Fenwick may file a maximum of forty (40) pages, or, alternatively, permit Fenwick to file a maximum of forty (40) pages for its motion to dismiss and memorandum of law.

DATED: September 20, 2023

**CERTIFICATE OF GOOD FAITH CONFERRAL**

Pursuant to Local Rule 7.1(a)(3)(A), the undersigned counsel certifies Fenwick's counsel conferred with Plaintiffs' counsel by email regarding the relief sought herein. Plaintiffs' counsel does not oppose the motion.

Respectfully submitted,

/s/ Nicole K. Atkinson

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on September 20, 2023, a true and correct copy of the foregoing was filed electronically with the Clerk of the Court, by using the CM/ECF system which will send an electronic notification of such filing to all counsel of record.

/s/ Nicole K. Atkinson

Nicole K. Atkinson

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